IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Letters Patent Appeal Stamp No.16580 of 2006

Shri Kundalik Kacharu Dodke — Appellant
Vs.
Pimpri Chinchwad Municipal
Transport & ors. — Respondents

Mr.Vinod Tayade for appellant.

Mr.N.V.Walawalkar, Sr.Counsel with Mr.G.H.Keluskar
for resp.nos.1 and 2.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

September 18, 2006.

P.C.

. Heard the Mr.Tayade, the learned counsel for the appellant and Mr.Walawalkar, the learned Senior Counsel with Mr.Keluskar for respondent nos.1 and 2.

. The appellant had filed Writ Petition No.6909 of 2005 being aggrieved by the dismissal of the complaint filed and the petition came to be dismissed in default on 17th January 2006. Subsequently by the order dated 2/3/2006 the petitioner came to be dismissed from service by way of punishment and emanating from the disciplinary proceedings which were a subject matter of the earlier complaint. The petitioner filed Civil Application No.2673 of 2006

for restoration of the petition and by the impugned order dated 19th April 2006 the learned Single Judge while holding that the Civil Application had become infructuous noted that the petitioner was already dismissed from service on 2/3/2006 and, therefore, the petition itself had rendered infructuous.

. No interference is called for in the said order dated 19th April 2006 as it does not suffer from any infirmities. However, it is made clear that if the petitioner is aggrieved by the order of dismissal dated 2/3/2006, dismissal of Writ Petition No.6909 of 2005 or the rejection of Civil Application No.2673 of 2006 in the said petition will not come in the way of the petitioner in challenging the order of dismissal by appropriate proceedings as may be permissible in law. With these clarifications the LPA stands disposed.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE,J.)